UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.45
26 January 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 April 1997, at 6 p.m.

| | | |
|---|---|---|
| Chairman: | Mrs. BAUTISTA | (Philippines) |
| later: | Mr. SOMOL (Vice-Chairman) | (Czech Republic) |

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990 (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-14506 (E)

CONTENTS (continued)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

The meeting was called to order at 6.50 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

(agenda item 10) (continued)

1. The CHAIRMAN said that, in accordance with established practice, he wished to announce that the Commission had in closed meetings, on 4 and 7 April 1997, examined the human rights situation in the following 16 countries under Economic and Social Council resolution 1503 (XLVIII): Antigua and Barbuda, Botswana, Chad, Czech Republic, Estonia, Gambia, Kyrgyzstan, Latvia, Lebanon, Lithuania, Saudi Arabia, Sierra Leone, Syrian Arab Republic, United Republic of Tanzania, United States of America and Uzbekistan. In conformity with paragraph 8 of Council resolution 1503 (XLVIII), members of the Commission should not make any reference in public debate to the confidential decisions concerning those countries nor to any confidential material relating thereto. Since, however, it was the practice of the Commission to disclose the names of the countries which had been considered under the confidential procedure, it would seem equitable to indicate that consideration of the human rights situation in Antigua and Barbuda, Botswana, Czech Republic, Estonia, Latvia, Lebanon, Lithuania, Syrian Arab Republic, United Republic of Tanzania, United States of America and Uzbekistan had been discontinued.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1997/3, 35-42, 43 and Add.1, 44-46, 47 and Add.1, 2, 3 and 4, 119 and 131; E/CN.4/1997/NGO/10, 24, 28, 40 and 41; A/51/483 and Add.1 and 506 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 18) (continued) (E/CN.4/1995/84-86, 88 and Corr.1, 89, 90 and 130; E/CN.4/1997/NGO/33 and 63; A/51/453 and Add.1)

2. Ms. WILSON (Observer for New Zealand) said that her delegation welcomed the report of the Secretary-General on the question of integrating the human rights of women throughout the United Nations system (E/CN.4/1997/40) and hoped that the recommendations it contained would be adopted. It considered that the High Commissioner for Human Rights/Centre for Human Rights and the Division for the Advancement of Women should be the central actors in such efforts and that their cooperation should be strengthened further with a view to the application of their joint work plan. She also drew the Commission's attention to resolution 41/6 on the subject adopted by the Commission on the Status of Women at its forty-first session.

3. It was important, moreover, that the key recommendations of the Beijing Platform for Action were successfully followed up and that the human rights of women and girls were taken fully into account in the activities to mark the fiftieth anniversary of the Universal Declaration of Human Rights. It was also essential that the Commission on Human Rights and the Commission on the Status of Women should coordinate their work so as to avoid overlaps that damaged their effectiveness. The High Commissioner for Human Rights/Centre for Human Rights should ensure gender equality in the staffing of the Centre, in accordance with General Assembly resolution 51/67, to attain the goal fixed by the new Secretary-General of equal percentages of men and women in the United Nations Secretariat by the year 2000.

4. Her delegation supported the exemplary work of the Special Rapporteur on violence against women and was in favour of extending her mandate for another three years. Her Government gave priority attention to the freedom of women from domestic violence; new legislation, giving greater protection in the matter, had come into force in 1996 and a new programme of personal safety training for girls had been initiated. Some 45,000 girls would be given such training. Her Government had also taken other steps to implement the Beijing Platform for Action on such subjects as the gender pay gap, mainstreaming a gender perspective in the development of policies and programmes, enhancing women's role in decision-making and improving the situation of Maori women.

5. The international community must continue to build on the foundations laid at Vienna in 1993 and in Beijing in 1995 and adopt new initiatives to promote the human rights of women and to advance towards the goal of equality of the sexes at the national and international levels.

6. Mr. KOMI (Observer for Togo), speaking on agenda item 18, said that his Government had very soon realized that a policy based on respect for human rights was a prerequisite for the building of a State subject to the rule of law and the establishment of sustainable social and economic development. That was the thinking behind the setting up of the National Human Rights Commission, which should be able to begin operating very shortly.

7. His Government had also, with the help of the Centre for Human Rights, prepared an awareness-raising and training project which had two components. The first related to respect for human rights in the administration of justice

and covered the country's needs in respect of the review of legislation, training of professional staff, assistance to the National Human Rights Commission, legislative bodies and institutions protecting human rights, technical support to the Ministry of Human Rights and the supply of documents and publications concerning human rights. The second related to education in human rights and focused on the training of teachers and helping the Commission revising the curricula of the primary and secondary schools to incorporate into them the teaching of human rights. That project, in which local human rights non-governmental organizations (NGOs) were also participating, had been officially launched on 22 April 1996 at the seminar on the drafting and presentation of periodic and initial reports. Three other seminars and training courses had since been organized for the members of the National Human Rights Commission and the staff of the Ministry of Human Rights, for officers of the Togolese armed forces and for members of political parties and trade unions, parliamentarians and the officials of certain administrative departments. Similar activities would also be organized in 1997 and 1998. His Government was pleased at the positive results achieved and thanked all those who had contributed to the success of those activities. It hoped that the initial technical assistance programme established by the Centre for Human Rights would be broadened to support the new democratic institutions that had been set up in the country and that action would also be taken in new areas such as the protection of the rights of the child, of women and of vulnerable groups, training of the staff of administrative departments and institutions dealing with human rights, and financial assistance to the public and private media.

8. In conclusion, he reiterated his Government's thanks to the Centre for Human Rights and stated once again that Togo was determined to do everything possible to ensure the effective execution of all the projects included in the technical assistance programme of which it was the beneficiary.

9. Mrs. PENNEGARD (Observer for Sweden), speaking on agenda item 9 (d) on behalf of the Nordic countries, said that the reports prepared on the subject of internally displaced persons (E/CN.4/1997/42 and E/CN.4/1997/43 and Add.1) gave a good idea of the magnitude of the problems arising from the mass displacement of persons and of the resultant human tragedies. The Nordic countries emphasized the need for a more comprehensive approach to the problem of mass displacement, an idea that the Secretary-General seemed to have taken up in his proposal to organize all United Nations departments, offices, funds and programmes into four principal areas brought together by substance, one of which would be on development operations and humanitarian affairs.

10. It was clear, moreover, that implementation of the recommendations made over the years by the human rights mechanisms, particularly the treaty bodies and special rapporteurs, would make it possible to prevent the violent conflicts that were often the cause of displacements, find durable solutions to the plight of displaced persons and build sustainable peace. The Nordic countries called on the High Commissioner for Human Rights to ensure that those recommendations were converted into practical action.

11. The Nordic countries thanked the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, whose work, as shown by his report (E/CN.4/1997/43), had rendered it possible to obtain a better knowledge

of the situation of displaced persons with a view to stimulating more effective action on their behalf. Noting with satisfaction that the Representative was continuing the analysis he had begun in 1996 of the existing legal rules in relation to the internally displaced with the aim of developing a suitable normative framework to address their needs for protection and assistance, the Nordic countries pledged themselves to cooperate closely with him to establish minimum humanitarian standards applicable to all situations. They also hoped that the Representative's proposals to fill the gaps in the institutional arrangements to meet the needs of the internally displaced would be taken into account, particularly the idea of ensuring a human rights field presence in crisis situations and extending human rights advisory services and technical assistance to the Government concerned. The Economic and Social Council should also study ways of strengthening coordination among the organizations of the United Nations system, including in relation to internal displacement, in the follow-up to its resolution on strengthening the coordination of emergency assistance by the United Nations.

12. In addition, the Nordic countries called on the Governments of the countries that the Representative had visited and the organizations working in those countries to implement the recommendations and suggestions made by the Representative, who should use his good offices to facilitate cooperation between the Governments concerned and the humanitarian organizations, in view of the difficulty of implementing the right of return of refugees and displaced persons. Finally, the Nordic countries wished to emphasize the fact that it was the Government concerned that must bear the responsibility of providing protection and assistance to all displaced persons within its jurisdiction but Governments could and must request the assistance of the international community if their own capacity in that area was limited.

13. Ms. NAVARRETE-RECIÑA (Philippine Commission on Human Rights) recalled that, shortly after the bloodless toppling of the dictatorship in the Philippines in 1986, a new constitution had been adopted which, in its article 13, provided for the establishment of a commission on human rights, an independent organ expressly mandated to protect the human rights of all sectors of society. Its task was to investigate complaints of violations of human rights, provide legal assistance to any persons whose rights had been violated, visit prisons and other places of detention, establish human rights education and information programmes, make recommendations to Congress on the most effective measures to promote human rights and to compensate the victims of violations of those rights, monitor the Government's compliance with its international treaty obligations respecting human rights, grant immunity from prosecution to any person whose testimony was deemed useful to determine the truth in any investigation, request the assistance of any department or agency in the performance of its functions and perform such other duties as might be provided by law.

14. The Commission, established under the 1987 Constitution, had 14 regional offices with 600 personnel who ensured the execution of the national programme for the protection and promotion of human rights in the four areas it had established, namely, complaints handling, information and education, coordination and referral of services, and documentation and mobilization. Its activities were currently focused on children, the most vulnerable social

group. In accordance with the Constitution, it was essentially committed to the establishment of a just and humane society through the promotion and protection of the human rights of all citizens and worked in collaboration with both public agencies and government departments and local and international non-governmental organizations (NGOs). It should be mentioned that, in 1994, the Commission had received the first prize awarded by the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the best human rights education programme. It had entered into several memoranda of agreement with various government agencies, including the Armed Forces. It was one of the most independent commissions in the world because of its constitutional status.

15. Mr. STROHAL (Austria), speaking on agenda item 9 (d) and more particularly on the plight of internally displaced persons, said that the situation in the African Great Lakes region and in former Yugoslavia demonstrated, once again, the urgency of the problem, the vulnerability of the displaced persons, most of whom were women and children, and the inadequacy of the measures adopted to meet their needs. The development of an appropriate normative framework thus appeared to be a first solution, in view of the fact that it was often the absence of effective respect for humanitarian law, refugee law and international human rights law which was at the root of displacements, and the Austrian delegation shared the views expressed in his report on the subject (E/CN.4/1997/43) by the Representative of the Secretary-General on internally displaced persons. On the basis of the compilation he had made, the Representative should submit in 1998 a set of guiding principles applicable for the protection of the internally displaced and, in the meantime, the compilation should be translated and widely disseminated, as already called for by the Commission at its fifty-second session.

16. In the second main area of his mandate, regarding the institutional framework, the Representative had continued to play his catalytic role which had enabled the international community, including the various international governmental and non-governmental organizations, agencies and programmes which provided protection and assistance to internally displaced persons, to recognize clearly the dimensions of the problem. His delegation encouraged those agencies to continue their collaboration with the Representative and, in particular, to support his activities in connection with his very useful country visits. It was grateful to the Governments of the 12 countries he had visited so far and encouraged other countries with situations of internal displacement to extend invitations to him. To be effective, however, such visits needed not only careful preparation but also sustained follow-up, and the cooperation and support of all intergovernmental and non-governmental organizations were essential. In that context, tribute should be paid to the Office of the United Nations High Commissioner for Refugees (UNHCR) which had prepared, for the assistance of its field staff, a reference manual on the standards applicable to the protection of displaced persons based on the Representative's compilation of existing legal norms.

17. The Representative's mandate brought out the need to make an effective response, at the international level, to all the phases of displacement. It was to be hoped that, within the context of the reform presented by the new Secretary-General, a more permanent structure would be established to address

that complex issue in a systematic way, on the basis of the work done by Mr. Deng. In conclusion, the Austrian delegation wished, once again, to express its appreciation to the Representative for his work and invited all Governments and international organizations to match his high commitment in responding to the challenge of the millions of displaced persons in many parts of the world.

18. Mr. SUHBAATAR (Observer for Mongolia) said that dramatic changes had occurred in his country over the last seven years, particularly to the judicial and legislative system. Thanks to the assistance of the Centre for Human Rights in the framework of its programme of advisory services and technical cooperation in the field of human rights, a new Constitution incorporating most of the international human rights norms and standards had been drafted in 1991. In addition, an agreement had been concluded with the Centre for Human Rights on the execution of a new project comprising various activities such as the publication of all the human rights instruments in the national language and the organization of seminars on criminal justice and training courses for the law-enforcement organs. On behalf of his Government, he thanked the High Commissioner and Centre for Human Rights for their cooperation and assistance and all the United Nations experts who had participated in the implementation of that project. His Government looked forward to continuing its cooperation with the United Nations in that regard, especially in establishing national institutions and drafting a national programme of action.

19. His delegation also noted with interest that national human institutions were being established in an increasing number of countries in the Asia-Pacific region and welcomed the important role played by those institutions in the promotion of human rights. In that connection,. thanks were due to the Governments of Australia and other countries which assisted those countries in that area. His delegation also supported the new initiatives of the Government of Japan concerning a programme on Partnership for Democratic Development. The new Government of his country, elected in June 1996, had included in its programme, as a priority matter, the setting up of a national human rights mechanism and looked forward to cooperating with all interested Governments, national institutions and international organizations to that end.

20. Mr. HASSAN (Observer for the Sudan), speaking on agenda item 9 (d), said that his Government had established a special commission to deal with displaced persons and supply them with the assistance required to satisfy their needs, in cooperation with the United Nations and with local and international NGOs. The war that was raging in the southern Sudan had caused the mass displacement of thousands of persons towards the north of the country. Since the visit by the Representative of the Secretary-General on internally displaced persons, the situation of those persons had been stabilized and regularized. A number of them had been able to return to their places of origin once they were liberated and the State had supplied the assistance needed for their resettlement.

21. While welcoming the tireless efforts of the Representative of the Secretary-General to establish the legal foundations needed for the protection of displaced persons, his delegation regretted that the Representative had, in

his report (E/CN.4/1997/43), essentially placed the emphasis on the activities of the international organizations for the benefit of displaced persons and their cooperation on the subject, without taking account of the countries or Governments concerned. Cooperation and coordination with those Governments were, indeed, very important and the Sudan, in particular, had unique experience, particularly with regard to the return to the place of origin, reconstruction, reintegration and development. The international organizations were principally concerned to supply humanitarian assistance, mainly in the rebel-controlled areas. The protection of displaced persons was a complex question which had primarily to be resolved by the States concerned. In that connection, he reaffirmed that his Government was not in favour of the deployment of human rights specialists in the field since that would constitute a flagrant violation of the principle of the sovereignty of States and interference in their internal affairs. It should not be forgotten that the Sudan had continued its efforts to establish peace, as attested once again by the recent drafting of the Charter for peace which took the form of a comprehensive agreement open to all factions. The international community should support that initiative, which opened the way to stability and development in the country, and should also condemn the acts of aggression currently being committed on the Sudan's southern and eastern frontiers, which had resulted in further mass internal displacements.

22. Furthermore, he strenuously rejected the allegations by the representative of the Arab Lawyers Union who seemed oblivious to the fact that it was the insecurity and instability which reigned in the southern areas controlled by the rebels that had originated in the mass displacement towards the north of the country. He also denied the allegations in the written statement (E/CN.4/1997/NGO/24) by the World Federation of Democratic Youth, an organization that was waging an openly hostile campaign against his Government, trying to belittle its efforts to cooperate with the international humanitarian organizations and passing over in silence the acts of violence committed by the rebels against defenceless persons.

23. Mr. AMARAL (Indonesian National Commission on Human Rights), speaking on agenda item 9 (b), said that the Indonesian National Commission on Human Rights had been created in 1993, in accordance with the Vienna Declaration and Programme of Action and the recommendations made by the National Seminar and second Asia-Pacific Regional Seminar, held at Jakarta in 1991 and 1993. It had been established by presidential decree No. 50/1993 which guaranteed its full independence from the Government, as evidenced by the fact that it was freely implementing its programme of work and that its recommendations had been taken fully into account by the Government.

24. Indonesia being a huge country with many social, economic, political and cultural problems, the National Commission had a heavy task to accomplish. Nevertheless, since its inception, it had been able to attain many of its goals. Thus, following its recommendations, the Government had agreed to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and envisaged doing so in 1998. The National Commission had also investigated various incidents involving human rights abuses that had occurred in the country and had made recommendations to the Government. It had also monitored persons in detention to ascertain that they were being humanely treated in accordance with internationally accepted

standards. On the other hand, it had taken part in numerous human rights training and educational activities, particularly for the armed forces, and had assisted advanced learning institutions to establish centres for human rights studies. The work of the Indonesian National Commission on Human Rights had been recognized not only in Indonesia itself but also throughout the world, as borne out by the fact that more and more people were coming to seek its assistance. Mention should also be made of the help given to it by some foreign Governments, such as those of Canada, Australia and New Zealand, and foreign institutions, such as the Raul Wallenberg Institute, to strengthen its functions. The National Commission had also established good working relations with the national commissions of other countries and had participated with them in subregional and regional human rights seminars.

25. To conclude, he welcomed the fact that more and more Governments in the region had expressed their desire to establish their own national commissions and stressed the need to strengthen their functions, with the help of more substantive assistance from the Centre for Human Rights.

26. Mr. ZIAEE FAR (Islamic Human Rights Commission of Iran), speaking on agenda item 9 (b), said that national institutions for the promotion and protection of human rights constituted the most effective mechanism for preventing and rectifying human rights abuses. Consequently, it was first and foremost important that they should act independently and, secondly, that they should be able to participate in international activities to inform other such institutions of their views and experience. It would thus be useful if they were given observer status by the Economic and Social Council, so that they could participate in the work of the Commission on Human Rights and of the Council's other functional commissions.

27. The Islamic Human Rights Commission, instituted in the Islamic Republic of Iran in 1995, welcomed all national and international initiatives to promote human rights and believed that one of the principal ways of preventing human rights abuses was respect for ethical and divine values. Since its establishment, the Islamic Commission had undertaken numerous activities to promote human rights such as pursuing complaints of human rights violations, organizing monitoring visits, planning training courses, holding conferences of human rights specialists and participating in various seminars on the subject. It was doing its utmost to strengthen its activities, particularly with regard to handling the complaints received, in order to redress all possible human rights abuses. To that end, assistance was of great importance and it reiterated its request to the Centre for Human Rights for advisory services and technical cooperation.

28. Ms. CARRILLO (United Nations Development Fund for Women (UNIFEM)) said she wished to stress the important contribution of the Special Rapporteur on violence against women, Mrs. Coomaraswamy, to the promotion of women's rights, which had been recognized in 1993 by the World Conference on Human Rights at Vienna and restated in 1995 by the Fourth World Conference on Women in Beijing. UNIFEM unequivocally supported the Special Rapporteur's work, which it had been able to assist during her mission to Brazil, and trusted that the Commission would renew her mandate to enable her to continue furthering understanding of the complexities of the problems experienced by women which prevented them from enjoying full citizenship.

29. In the framework of its cooperation with the Centre for Human Rights, with a view to ensuring that women's rights were taken into account in the work of the human rights protective mechanisms established by the United Nations, UNIFEM had organized a briefing for the annual meeting of special rapporteurs, special representatives, independent experts and chairs of the working groups of the special procedures and advisory services of the Centre for Human Rights on how to proceed in order to achieve real gender integration in their work. It had spelt out various recommendations to that end in the report it had submitted under agenda item 9 (a) (E/CN.4/1997/131). UNIFEM hoped to continue its collaboration with the Centre, especially by providing access to accurate sources of information such as the NGOs working for the promotion of the rights of women at the local, national and regional levels which were its partners.

30. UNIFEM also emphasized the connection between the work of the Commission on Human Rights, which would engage in 1998 in the Five-Year Review of the Vienna Declaration and Programme of Action, and that of the Commission on the Status of Women which, also in 1998, would review the chapters of the Beijing Platform for Action which dealt with violence against women, women in armed conflict and the girl child. That would provide the opportunity for the two bodies to consider the progress made in the work of mainstreaming the human rights of women throughout the United Nations system. UNIFEM was committed to working with the Commission to attain those goals.

31. Ms. ASTRUP (Observer for Norway) said that, although women's rights were fully recognized in a number of international instruments, they were far from being effectively enjoyed. Even when they ratified the Convention on the Elimination of All Forms of Discrimination against Women, the States parties were still entering large numbers of reservations which enabled them to escape their obligations under that instrument. It was important, therefore, to mainstream women's rights into all areas of activity relating to human rights throughout the entire system of human rights protection established by the United Nations. In that connection, she welcomed the decision to make mainstreaming the topic for the coordination session of the Economic and Social Council, on the basis of a resolution to that effect adopted by the Commission on the Status of Women. It was to be hoped that the Commission on Human Rights would adopt a similar resolution. In that connection, her delegation supported the proposal by the European Union that the Commission on Human Rights should, at its future sessions, reflect on ways of improving its mainstreaming of women's rights and on what more it could do in addition to and in cooperation with the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women. In particular, care should be taken to ensure that the Commission on the Status of Women did not meet at the same time as the Commission on Human Rights, as had happened over the two preceding years, so as to prevent any overlap between the functional commissions engaged in the follow-up to the United Nations conferences relating to women's matters.

32. Her delegation welcomed the progress made at the last session of the Commission on the Status of Women on the elaboration of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the first reading of which had been completed. It was to be hoped that the questions that had not yet been settled would be cleared up at the

1998 session, which would be held against the background of the fiftieth anniversary of the Universal Declaration of Human Rights, the Five-Year Review of the Vienna Declaration and Programme of Action and the discussion of the strategic human rights chapter of the Beijing Platform for Action. It was not unrealistic to think that the optional protocol could be adopted by the General Assembly before the year 2000. It was also welcome news that the Committee on the Elimination of All Forms of Discrimination against Women had, in the current year, had the possibility to meet twice in order to consider the considerable backlog of reports submitted. It was to be hoped that that practice would continue in the future.

33. Lastly, her delegation was very pleased with the work of the Special Rapporteur on violence against women whose report (E/CN.4/1997/47 and Add.1-3) gave an inkling of the size of a problem which had only recently been recognized as a violation of women's rights. In particular, it shared the Special Rapporteur's concern about the situation of Afghan women in the areas controlled by the Taliban movement, which violated their right to liberty and equality as well as their right to education and work. It requested the Commission to renew the Special Rapporteur's mandate to enable her to continue her work and to concentrate in her next report, as she had expressed the intention of doing, on violence against women by the State and during times of armed conflict.

34. Mr. MOUSSAEV (Observer for Azerbaijan) said that, according to the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly in its resolution 49/60, acts of terrorism constituted a grave violation of the purposes and principles of the United Nations and might pose a threat to international peace and security. In its resolution 1996/47, the Commission on Human Rights reiterated its unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivations, in all their forms and manifestations, wherever and by whomsoever committed. Nevertheless, the number of innocent people killed as a result of acts of terrorism was constantly increasing.

35. States themselves resorted to terrorism for political purposes. Thus at the end of the 1980s, in pursuit of annexionist plans, Armenia had launched armed operations in the Nagorny Karabakh region of the Republic of Azerbaijan and carried out subversive and terrorist activities in other parts of the territory of Azerbaijan which had resulted in a considerable number of victims, including women, children and the elderly. There was unconditional proof of the responsibility of Armenia for acts of terrorism against Azerbaijan and other States and of the assistance it provided to various terrorist organizations by making its territory available to them for bases and training camps for the preparation of such terrorist acts. There were thus grounds for condemning Armenia as a country that practised State terrorism.

36. It was essential, therefore, to elaborate an international legal framework to combat international terrorism as a crime against humanity which threatened human rights and fundamental freedoms and the territorial integrity of States. His delegation thus urged the Commission to adopt a resolution on human rights and terrorism and to take the necessary steps to ensure its implementation and to unmask States which used terrorism to achieve their

unlawful ends. In that connection, it welcomed the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare a working paper on the subject for its forth-ninth session.

37. Mr. NAZARIAN (Observer for Armenia) drew the Commission's attention to the plight of the refugees from the Transcaucasus who had arrived in Armenia following the conflict in that region. There were currently 304,000 refugees in Armenia, 260,000 of whom were from Azerbaijan, 38,000 from Nagorny Karabakh and some 6,000 from Abkhazia. Since the beginning of the peace negotiations on the Nagorny Karabakh conflict, the Government of Azerbaijan had opted for the return of refugees to their homeland freed from the military presence of the self-defence forces of Nagorny Karabakh as a basic condition for the political settlement of the conflict. Azerbaijan declared more than one million refugees and internally displaced persons of Azerbaijan nationality but underestimated the number of Armenian refugees who had fled Azeri territories. The problem of the Azeri refugees was closely connected with that of their return to their homelands, whereas the Armenian refugees did not have that possibility and the matter had not even been considered at the peace negotiations. In fact, Azerbaijan could resolve the problem of resettling its refugees very easily by housing them in the buildings abandoned by Armenians, but it nevertheless continued to treat the problem as a major political issue. That position had had an unfavourable impact on the refugees themselves who were being kept in camps exclusively to serve political propaganda purposes.

38. Regarding the refugee situation in Armenia, it should be mentioned that, since 1988, his Government had done its utmost to find solutions to the problems of the refugees and to render them assistance catering to their various needs. In addition, it was continuing to ensure follow-up to the mechanisms of the Regional Conference to Address the Problem of Refugees, Displaced Persons and Returnees in the Countries of the Commonwealth of Independent States. Mention should be made also of the joint efforts of UNHCR, the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE) in supplying protection and humanitarian assistance to refugees and displaced persons in the Republic of Armenia.

39. His delegation was confident that the human rights machinery of the United Nations, including that of the Commission on Human Rights, would strengthen the worldwide efforts to deal with the serious problems resulting from mass exoduses of refugees and displaced persons throughout the world and in the Transcaucasus region in particular.

40. Mr. CHAKMA (Asian Cultural Forum on Development (ACFOD)), speaking on agenda item 9 (d), said that his organization was concerned at the discriminatory treatment of Asian NGOs, which were largely excluded from the process of establishing a regional human rights mechanism. It also regretted that the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, had focused in his report (E/CN.4/1997/43) on the situation of victims of internal armed conflicts, whereas many people were displaced as a result of man-made disasters, such as the construction of dams or the acquisition of land. Moreover, those most affected in the latter case were indigenous people, whose situation was not mentioned in the

Representative's report. The Commission on Human Rights should thus extend the Representative's mandate to cover persons displaced as a result of development projects.

41. ACFOD wished also to emphasize that the protection of displaced persons meant more than providing material assistance in cases of armed conflict, inasmuch as all parties to a conflict must abide by article 3, common to the Geneva Conventions. In that regard, the role of UNHCR in south Asia left much to be desired, to judge by the treatment of refugees in India and Nepal. His organization was particularly concerned about the forced repatriation of 6,000 Jumma refugees from the Chittagong Hill Tracts in Bangladesh by the Government of India on 28 March 1997. The leaders of the Jumma refugees had been coerced into accepting that repatriation, since the situation in the camps had become intolerable. It was clear that the UNHCR principle of voluntary repatriation had not been respected, although the Government of India was a member of the Executive Committee of UNHCR.

42. As for national human rights institutions, ACFOD was concerned at the attitude of the Government of Nepal which, without consulting the NGOs, had passed a bill to set up a national human rights commission, the contents of which remained strictly confidential. It called upon Bangladesh and Nepal, which were considering the establishment of such institutions, to abide by the Paris Principles on National Human Rights Institutions. It also requested the Government of India to refrain from keeping its army out of the purview of the National Human Rights Commission of India.

43. Mr. Somol (Czech Republic), Vice-Chairman, took the Chair.

44. Mr. ALI (World Peace Council) said he welcomed the fact that the phenomenon of internally displaced persons, who did not match the traditional definition of refugees but who had the same protection needs, had at long last become of concern to the international community to the extent that, in 1992, the Secretary-General had appointed a Representative to study the question. The fact remained that there was no organization expressly responsible for those persons, who often lived in inhuman and tragic conditions. Furthermore, the States that were primarily responsible for ensuring the protection of displaced persons were often unable or unwilling to do so. People who had been displaced lacked the means to protect themselves if their rights were violated by non-governmental entities such as armed groups or terrorists.

45. He cited, as an example, the situation of the thousands of persons, particularly Tajiks, who had been driven from their homes in Afghanistan by the Taliban army and that of the Kashmiris, both Muslims and Hindus, who had become refugees in their own country as a result of terrorist activities stemming from Pakistan. It was not enough to provide succour to those unfortunate people; it was far more important to tackle the underlying problems, which were often politico-ethnic conflicts, and to condemn those who deliberately or tacitly allowed such armed groups to proliferate, for their own political or strategic purposes.

46. His organization thus urged the Commission to examine ways of penalizing those responsible for such situations, so that the displaced persons could return in safety and in dignity to their places of origin or choice.

47. Mr. KANE (African Commission for Health and Human Rights Promoters) said that, in April 1989, following upon a frontier dispute between Mauritania and Senegal, the Government of Mauritania had deported part of its black population. Eight years later, those black Mauritanian refugees were still living in atrocious moral and material conditions, in the countries bordering upon Mauritania. Those who, tempted by the promises of the Government of Mauritania, had returned there had been unable to recover their property. Arabic names had been given to their native villages and their lands were occupied by their white Mauritanian compatriots. Many of them were unemployed and homeless and some had even been arrested or once again expelled.

48. It was clear that the Government of Mauritania was doing nothing to facilitate the return to the country of those black refugees. To that was added the insecurity reigning in southern Mauritania where a special army corps - the Red Berets - was omnipresent and whose members engaged in numerous acts of extortion against the population. His organization thus called upon the Government of Mauritania to take practical steps to guarantee security in the southern part of the country, to encourage the resettlement of the black Mauritanian deportees in their villages and to compensate them for the loss of their employment or of their property, if it was not returned to them.

49. Ms. DUNBAR (Women's International League for Peace and Freedom) said that violence against women in periods of armed conflict constituted a violation of the fundamental principles of human rights law and international humanitarian law and should no longer be regarded, as was still often the case, as an inevitable fact of war. That was the reason given in explanation of the atrocities committed, between 1991 and 1996, in the war in Sierra Leone and of the atrocities essentially committed against women by soldiers in Sri Lanka, with, it appeared, the tacit agreement of their senior officers. That pattern of violence was also found in Burma where, as the report of the Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/1997/64) made clear, rape by soldiers of women belonging to the ethnic minorities was standard practice. Those guilty of such acts must be suitably punished and their victims compensated. Hence the need to establish a permanent international criminal court which would be competent to prosecute the perpetrators of all war crimes committed on all territories. It was essential that rape, forced prostitution and forced pregnancies should be clearly defined as punishable crimes and should give rise to investigations and prosecutions, that the officials of the court responsible for the investigations and prosecutions, including the judges, should be sensitized to those questions and that at least 50 per cent of them should be women.

50. Armed conflicts were also the cause of mass displacements of persons, the main victims of which were often women and children. However, such displaced persons could not claim refugee status, since they were not refugees in the traditional meaning of the term. Consequently, as advocated by the European Parliament in the resolution on women's rights that it had adopted in May 1997, persecution on grounds of sex should be one of the criteria for granting the right of asylum in the countries of the European Union. Her organization called upon all the States members of the Union and all States in general to take action to establish and apply those criteria. The absence of women from the decision-making process in the context of peace negotiations was, in itself, a violation of the right of women to participation. Her

organization asked the Commission to take account of women's rights in all its activities, especially when it was setting the mandates for the working groups and special rapporteurs it appointed, and also to extend for three years the mandate of the Special Rapporteur on violence against women.

51. It was not sufficient, however, to follow up the question. There must be concerted action to introduce a culture of peace, through a systematic reduction of the direct and indirect expenditure of the States on war and the reallocation of the resources thus released to non-violent forms of conflict management and the promotion of human rights.

52. Ms. BUNCH (International Women's Health Coalition), speaking also on behalf of the Centre for Women's Global Leadership and the International Women's Tribune Centre, paid tribute to all the many women who had mobilized to defend women's rights at the world human rights conferences held over the last five years. As a result of those conferences, millions of women around the world had learned of their rights and currently represented a formidable force that could be mobilized for the defence of the principles of human rights set forth in the Universal Declaration of Human Rights and to lay the foundations for a culture of respect for such rights throughout the world.

53. However, for that to be done, it was necessary that the commitments to women's rights be translated into practical effect and not remain just words. Consequently, the Commission on Human Rights must give a central place to the question of the fundamental rights of women in the Five-Year Review of the Vienna Declaration and Programme of Action. The Five-Year Review should be an opportunity to begin the process of effectively integrating women's concerns into all the activities of the human rights machinery, particularly on the basis of the guidelines developed at the meeting of experts convened by the Centre for Human Rights and UNIFEM in July 1995 (E/CN.4/1996/105). In 1998 also, Governments and the United Nations would be called upon to report to the Commission on the Status of Women on their efforts to implement the Beijing Platform for Action. Care should thus be taken to ensure that the two commissions coordinated their work and that their sessions did not overlap in time, as had been the case in 1997.

54. The Commission on Human Rights should also ensure that women's rights were a core component of all plans to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights, which would be a unique opportunity for the United Nations to promote the understanding that a global culture of human rights required respect for the rights of women in all areas. Lastly, the Commission should extend the mandate of the Special Rapporteur on violence against women, a subject whose study required more time and more resources but which had already brought into public view some of the most insidious manifestations of such violence, namely, rape, domestic violence, trafficking in women and the negative effects of religious extremism.

55. The year 1998 would be crucial for the defence of human rights in all parts of the world, a difficult task which required the collaboration and cooperation of all the organizations of the United Nations system and to which the NGOs working for women's rights were eager to contribute.

56. Ms. CECHUROVA (Transnational Radical Party) said that the stigmatization of and discrimination against HIV-infected people and those with AIDS were undoubtedly the enemies of public health. For that reason, preventing discrimination against such people formed an essential part of the public-health strategy to control that global epidemic. It was not by chance that the majority of AIDS victims were to be found in the developing countries and among people living in poverty and suffering from inadequate human rights protection, especially in Africa and Asia. All Governments should thus strengthen information and education measures to combat discrimination against AIDS sufferers and to promote human solidarity and tolerance. They should, inter alia, ensure respect for human rights standards in their laws, policies and practices, including those relating to HIV/AIDS, and enable all the persons affected to enjoy all their human rights, including the right to work, the right to travel without restriction, the right to housing and the right to health care.

57. Her organization asked the High Commissioner for Human Rights to consider appropriate methods to keep under continuous review the protection of human rights in the context of HIV/AIDS, to monitor practices in that area and to ensure that women, children and disadvantaged groups had equal access to information on the subject, to health services and, most important of all, to all available medications. HIV/AIDS-related issues should also be discussed under other items of the Commission's work, such as the status of women, violence against women, the rights of the child, freedom of travel and displaced persons. The Commission and other human rights bodies should intensify their commitment to a rights-based response to HIV/AIDS.

58. Ms. WHITESINGER (International Indian Treaty Council) informed the Commission of the concerns of the Dineh (Navajo) people who had been forcibly evicted from the lands they had occupied for many generations and on which they depended for their survival and their ability to practise their religion. Those forced evictions and displacements were gross violations of their fundamental human rights and particularly of the rights to security of the home, security of the person, health, family life and religious freedom. Displacement was a painful process which had serious economic and cultural consequences such as marginalization, unemployment and the inability to continue speaking the mother tongue. Many families were currently being coerced into signing the lease plan (Accommodation Agreement) prepared by the Government of the United States and presented as the only way that the Dineh people could remain in its ancestral homeland and retain its identity. She thus urged the Commission on Human Rights to respond to the concerns of the Dineh people by sending the Representative of the Secretary-General on internally displaced persons and the Special Rapporteur on religious intolerance on an urgent mission to the affected area to examine the situation there.

Statements in exercise of the right of reply

59. Mr. OYUGI (Observer for Kenya), responding to certain allegations by the representative of Human Rights Watch, Africa, said that most of the persons who had been internally displaced in Kenya as a consequence of the ethnic clashes of 1991 had been able to return home once peace was restored and to resume their day-to-day activities. His Government had devised, in

cooperation with the United Nations Development Programme (UNDP) or with the assistance of UNDP and other organizations, resettlement projects for families that had not been able to return to the areas from which they had been displaced. It had also taken steps to enhance security in the affected areas and to encourage peaceful coexistence and reconciliation between the communities that had been involved in the clashes. A number of those suspected of having committed various offences at the time had been arrested, tried and sentenced accordingly. Consequently, the statement by the representative of the NGO in question that the Government of Kenya had obstructed the UNDP programme for the displaced was not correct.

60. Mr. NAZARIAN (Observer for Armenia) said he rejected the accusations by the observer for Azerbaijan which were totally unfounded. In fact, Azerbaijan, contradicting all international standards of ethical behaviour, was waging a disinformation and propaganda campaign intended to discredit Armenia and Nagorny Karabakh and the entire peace process. Azerbaijan's provocation and spreading of false information would not contribute to the atmosphere of compromise and confidence-building that it claimed to support. His own delegation would like to believe that the statement by the observer for Azerbaijan did not reflect the true intentions of the more moderate leaders of Azerbaijan and called upon him to renounce provocative statements and focus on the items of the agenda.

61. Mr. MOUSSAEV (Observer for Azerbaijan) said he wished to inform the members of the Commission that his delegation would submit to the Secretariat, for consideration and circulation as an official document of the session, further information on the organization and implementation of terrorist activities against the Republic of Azerbaijan by the Republic of Armenia.

The meeting rose at 9.15 p.m.